

REMARKS/ARGUMENTS

Claims 1-34 remain pending in this application. Applicant submits that no amendments are necessary for the present response. Consideration and examination of pending claims 1-34 is respectfully requested in view of the following remarks.

I. Rejection of Claims 1-3, 5-26 and 30-32 Under 35 U.S.C. § 102

The Examiner has rejected claims 1-3, 5-26 and 30-32 under 35 U.S.C. 102(b) as being anticipated by Quackenbush (US 6,512,964). Applicant respectfully disagrees.

Applicant respectfully submits that independent claims 1, 2 and 25 are allowable for at least the following reason. Quackenbush fails to teach, describe or anticipate a baggage handling system or method that provides an optimal shipping plan for transporting baggage to a destination address.

Quackenbush describes a system that plays a role of an accompanying baggage carrier handling the baggage throughout the route that the passenger takes. This is shown in Figure 2 of Quackenbush, as well as in col. 3 lines 29-30, where Quackenbush states "Baggage 202 is loaded on the plane 210 with passenger 208 and flown to the destination airport 212." In Quackenbush, the

route and means for transporting the baggage are decided by the itinerary and the airline ticket used for travel. The Examiner cites to column 5 of Quackenbush for anticipating the provision of an optimal shipping plan or mode; however, the referenced portion of Quackenbush refers only to generation of a baggage manifest associated with the traveler's flight, for the use of a GDO (ground delivery operator).

In contrast to Quackenbush, the invention as recited in claims 1, 2 provides an optimal shipping plan for transporting baggage to a destination address. Claim 25 recites an optimization system for determining an optimal shipment mode. Because Quackenbush teaches the use of the customer's airline for shipment, Quackenbush fails to teach or suggest the use of shipping alternatives, let alone anticipate the provision of an optimal shipping plan or a system for determining an optimal shipping mode. For at least the foregoing reason, Applicant respectfully submits that independent claims 1, 2 and 25 are allowable over the cited reference.

Further, Applicant respectfully submits that dependent claims 3, 5-24, 26 and 30-32, being dependent upon respective allowable base claims, are also allowable for at least the foregoing reasons stated above for claims 1, 2 and 25.

II. Rejection of Claims 4, 27-29 and 33-34 under 35 U.S.C. § 103

The Examiner has rejected claims 4, 27-29 and 33-34 under 35 U.S.C. 103 as being unpatentable over Quackenbush in view of Peterson (US 2005/0091088). Applicant respectfully disagrees for at least the following reasons.

First, claims 4, 27-29 and 33-34, being dependent upon allowable base claims, are also allowable for at least the foregoing reasons provided above with respect to independent claims 2 and 25.

Second, the Examiner's rejection is moot because the Peterson reference cited by the Examiner cannot qualify as prior art given the applicable priority date of the present application. Applicant respectfully submits that the June 26, 2002 priority date of the present application (based on parent U.S. Application No. 10/183,962) predates the October 22, 2004 filing date and October 22, 2003 priority date of the Peterson reference.

In light of the above, Applicant respectfully requests that the Examiner's rejection of claims 4, 27-29 and 33-34 be withdrawn.

III. Conclusion

Applicant submits that claims 1-34 are in condition for allowance.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

THE HECKER LAW GROUP

Date: January 20, 2006

By: Todd N. Snyder
Todd N. Snyder
Reg. No. 41,320

THE HECKER LAW GROUP
1925 Century Park East
Suite 2300
Los Angeles, California 90067
(310) 286-0377

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450.

Frances Scardino January 20, 2006
Signature: Frances Scardino Date